

ENTERED

February 13, 2023

Nathan Ochsner, Clerk

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

In re:

ALEXANDER E. JONES,

Debtor.

)
) Chapter 11
)
) Case No. 22-33553 (CML)
)
)
)
)**ORDER AUTHORIZING THE OFFICIAL COMMITTEE
OF UNSECURED CREDITORS OF ALEXANDER E. JONES
TO RETAIN AND EMPLOY AKIN GUMP STRAUSS HAUER &
FELD LLP AS COUNSEL, EFFECTIVE AS OF DECEMBER 19, 2022**

Upon the application (the “Application”)¹ of the Official Committee of Unsecured Creditors (the “Committee”) appointed in the chapter 11 case of Alexander E. Jones (the “Debtor,” and such case, the “Chapter 11 Case”) for entry of an order, pursuant to sections 328(a) and 1103(a) of title 11 of the United States Code (the “Bankruptcy Code”), Rules 2014 and 2016 of the Federal Rules of Bankruptcy Procedure (the “Bankruptcy Rules”) and Rules 2014-1 and 2016-1 of the Local Rules of Bankruptcy Practice and Procedure for the United States Bankruptcy Court for the Southern District of Texas (the “Local Rules”) authorizing the Committee to retain and employ Akin Gump Strauss Hauer & Feld LLP (“Akin Gump”) as its counsel in connection with the Chapter 11 Case, effective as of December 19, 2022; and upon the declaration of David M. Zensky, a partner of Akin Gump (the “Zensky Declaration”), filed contemporaneously with the Application; the declaration of Leonard Pozner and Robert Parker, each in his capacity as co-chair of the Committee (the “Pozner and Parker Declaration”), filed contemporaneously with the Application; and the supplemental declaration of David M. Zensky, dated February 6, 2023 [ECF

¹ Capitalized terms used but not defined herein shall have the meanings ascribed to them in the Application.

No. 135] (the “Supplemental Zensky Declaration” and together with the Zensky Declaration and the Ponzer and Parker Declaration, the “Declarations”); and it appearing that the attorneys of Akin Gump who will perform services on behalf of the Committee in the Chapter 11 Case are duly qualified to practice before the Court; and the Court finding, based on the representations made in the Application and the Declarations, that Akin Gump does not represent any interest adverse to the Committee or the Debtor’s estate with respect to the matters upon which it is to be engaged, that it is a “disinterested person,” as that term is defined in Bankruptcy Code section 101(14), as modified by Bankruptcy Code section 1107(b), that its employment is necessary and in the best interests of the Committee and the Debtor’s estate; and finding that adequate notice of the Application having been given; and it appearing that no other notice need be given; and after due deliberation and sufficient cause appearing therefor, it is hereby **ORDERED THAT**:

1. The relief requested in the Application is granted as set forth herein.
2. In accordance with Bankruptcy Code sections 328 and 1103(a), Bankruptcy Rules 2014 and 2016 and Local Rules 2014-1 and 2016-1, the Committee is hereby authorized and empowered to retain and employ Akin Gump as its counsel to represent it in the Chapter 11 Case and related matters and proceedings on the terms set forth in the Application and the Declarations, effective as of December 19, 2022.
3. In light of the unique facts and circumstances of the Chapter 11 Case and Akin Gump’s retention by the Committee on a *pro bono* basis, Akin Gump shall not be required to apply for compensation on a monthly or interim basis in accordance with the procedures set forth in Bankruptcy Code sections 330 and 331, the applicable Bankruptcy Rules, the applicable Local Rules and any other applicable order of the Court. In addition, Akin Gump shall be excused from complying with the U.S. Trustee Guidelines in connection with interim and final fee applications

except as otherwise provided herein. Notwithstanding the foregoing, Akin Gump will provide the Committee, the Debtor and the U.S. Trustee with monthly summary invoices of the fees and expenses incurred by Akin Gump in connection with its representation of the Committee.

4. In the event that the Debtor obtains confirmation of a chapter 11 plan or other resolution of the Chapter 11 Case that is not supported by the Committee, Akin Gump shall be entitled to seek approval by this Court and payment by the Debtor, in accordance with all applicable rules, of all fees and related costs and expenses incurred by the Committee on account of services rendered by Akin Gump in connection with the Chapter 11 Case prior to the conclusion of the Chapter 11 Case. Such fees shall be sought in a final fee application complying with all U.S. Trustee Guidelines. For the avoidance of doubt, the rights of the Debtor and all other parties in interest to object to such fees on any basis permitted by the Bankruptcy Code and applicable rules, including those typically raised as objection to employment applications, are expressly reserved.

5. Akin Gump shall provide ten (10) business days' notice to the Debtor and the U.S. Trustee before any increases in rates are implemented, other than with respect to those rates set forth in the Application and the Zensky Declaration, and shall file such notice with the Court. Except with respect to those rates set forth in the Application and the Zensky Declaration, the U.S. Trustee retains all rights to object to any rate increase on all grounds, including the reasonableness standard set forth in Bankruptcy Code section 330, and the Court retains the right to review any rate increase pursuant to Bankruptcy Code section 330.

6. Akin Gump shall use its reasonable efforts to avoid any duplication of services provided by any of the Committee's other retained professionals in the Chapter 11 Case.

7. Akin Gump will review its files periodically during the pendency of the Chapter 11 Case to ensure that no conflicts or other disqualifying circumstances exist or arise. If any new relevant facts or relationships are discovered or arise, Akin Gump will use reasonable efforts to identify such further developments and will promptly file a supplemental declaration, as required by Bankruptcy Rule 2014(a).

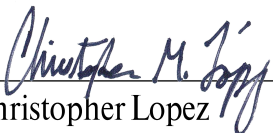
8. The Committee is authorized to take all actions necessary to effectuate the relief granted pursuant to this order in accordance with the Application.

9. To the extent the Application is, or the Declarations are, inconsistent with this Order, the terms of this Order shall govern.

10. The terms and conditions of this Order shall be immediately effective and enforceable upon its entry.

11. The Court retains exclusive jurisdiction with respect to all matters arising from or related to the implementation of this Order.

Signed: February 13, 2023



Christopher Lopez
United States Bankruptcy Judge

United States Bankruptcy Court
Southern District of Texas

In re:
Alexander E. Jones
Official Committee Of Unsecured Creditor
Debtors

Case No. 22-33553-cml
Chapter 11

CERTIFICATE OF NOTICE

District/off: 0541-4
Date Rcvd: Feb 13, 2023

User: ADIuser
Form ID: pdf002

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Total Noticed: 12

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.
#	Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update. While the notice was still deliverable, the notice recipient was advised to update its address with the court immediately.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Feb 15, 2023:

Recip ID	Recipient Name and Address
db	Alexander E. Jones, c/o 2525 McKinnon Street, Suite 425, Dallas, TX 75201
cr	+ Francine Wheeler, Cain & Skarnulis PLLC, Ryan E. Chapple, 303 Colorado Street, Suite 2850 Austin, TX 78701-4653
cr	+ Free Speech Systems, LLC, Free Speech Systems, LLC, c/o Patrick Magill, 3019 Alvin Devane Blvd., Ste 300 Austin, TX 78741-7417
cr	#+ Leonard Pozner, c/o McDowell Hetherington LLP, Attention: Avi Moshenberg, 1001 Fannin Street, Suite 2700 Houston, TX 77002-6774
cr	#+ Marcel Fontaine, c/o McDowell Hetherington LLP, Attention: Avi Moshenberg, 1001 Fannin, Suite 2700 Houston, TX 77002-6774
cr	#+ Neil Heslin, c/o McDowell Hetherington LLP, Attention: Avi Moshenberg, 1001 Fannin Street, Suite 2700 Houston, TX 77002-6774
ccrm	+ Official Committee Of Unsecured Creditors, c/o Marty L. Brimmage, Jr., Akin Gump Strauss Hauer & Feld LLP, 2300 N. Field Street, Suite 1800, Dallas, TX 75201-4675
cr	#+ Scarlett Lewis, c/o McDowell Hetherington LLP, Attention: Avi Moshenberg, 1001 Fannin Street, Suite 2700 Houston, TX 77002-6774
cr	+ Security Bank of Texas, P.O. Box 90, Crawford, Tx 76638-0090
cr	+ Travis County, c/o Jason A. Starks, P.O. Box 1748, Austin, TX 78767-1748
cr	#+ Veronique De La Rosa, c/o McDowell Hetherington LLP, Attention: Avi Moshenberg, 1001 Fannin Street, Suite 2700 Houston, TX 77002-6774

TOTAL: 11

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
cr	Email/Text: creditcardbkcorrespondence@bofa.com	Feb 13 2023 20:05:00	Bank of America N.A., P.O. BOX 31785, Tampa, FL 33631-3785

TOTAL: 1

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

Recip ID	Bypass Reason	Name and Address
aty		Akin Gump Strauss Hauer & Feld LLP
cr		Carlee Soto Parisi
cr		Carlos M Soto
cr		David Wheeler
cr		Donna Soto
cr		Ian Hockley
cr		Jacqueline Barden
cr		Jennifer Hensel
cr		Jillian Soto-Marino
cr		Mark Barden
cr		Nicole Hockley
cr		Robert Parker
cr		William Aldenberg
cr		William Sherlach

TOTAL: 14 Undeliverable, 0 Duplicate, 0 Out of date forwarding address

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NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Feb 15, 2023

Signature: /s/Gustava Winters

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on February 13, 2023 at the address(es) listed below:

Name	Email Address
Avi Moshenberg	on behalf of Creditor Veronique De La Rosa avi.moshenberg@mhllp.com patricia.flores@mhllp.com
Avi Moshenberg	on behalf of Creditor Neil Heslin avi.moshenberg@mhllp.com patricia.flores@mhllp.com
Avi Moshenberg	on behalf of Creditor Scarlett Lewis avi.moshenberg@mhllp.com patricia.flores@mhllp.com
Avi Moshenberg	on behalf of Creditor Leonard Pozner avi.moshenberg@mhllp.com patricia.flores@mhllp.com
Avi Moshenberg	on behalf of Creditor Marcel Fontaine avi.moshenberg@mhllp.com patricia.flores@mhllp.com
Christina Walton Stephenson	on behalf of Debtor Alexander E. Jones Crissie.Stephenson@crowedunlevy.com elisa.weaver@crowedunlevy.com;ecf@crowedunlevy.com
Elizabeth Carol Freeman	on behalf of Interested Party Melissa A Haselden liz@lizfreemanlaw.com kgradney@jw.com;dtrevino@jw.com;jpupo@jw.com;JacksonWalkerLLP@jubileebk.net
Ha Minh Nguyen	on behalf of U.S. Trustee US Trustee ha.nguyen@usdoj.gov
Jarrold B. Martin	on behalf of Creditor Veronique De La Rosa jarrod.martin@chamberlainlaw.com Lara.Coleman@chamberlainlaw.com;atty_jmartin@bluestylus.com;valerie.herrera@chamberlainlaw.com
Jarrold B. Martin	on behalf of Creditor Marcel Fontaine jarrod.martin@chamberlainlaw.com Lara.Coleman@chamberlainlaw.com;atty_jmartin@bluestylus.com;valerie.herrera@chamberlainlaw.com
Jarrold B. Martin	on behalf of Creditor Scarlett Lewis jarrod.martin@chamberlainlaw.com Lara.Coleman@chamberlainlaw.com;atty_jmartin@bluestylus.com;valerie.herrera@chamberlainlaw.com
Jarrold B. Martin	on behalf of Creditor Neil Heslin jarrod.martin@chamberlainlaw.com Lara.Coleman@chamberlainlaw.com;atty_jmartin@bluestylus.com;valerie.herrera@chamberlainlaw.com
Jarrold B. Martin	on behalf of Creditor Leonard Pozner jarrod.martin@chamberlainlaw.com Lara.Coleman@chamberlainlaw.com;atty_jmartin@bluestylus.com;valerie.herrera@chamberlainlaw.com
Jason Starks	on behalf of Creditor Travis County bkecf@traviscountytexas.gov
Jayson B. Ruff	on behalf of U.S. Trustee US Trustee jayson.b.ruff@usdoj.gov
Jennifer Jaye Hardy	on behalf of Creditor Leonard Pozner jhardy2@willkie.com mao@willkie.com

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Jennifer Jaye Hardy	on behalf of Creditor Marcel Fontaine jhardy2@willkie.com mao@willkie.com
Jennifer Jaye Hardy	on behalf of Creditor Scarlett Lewis jhardy2@willkie.com mao@willkie.com
Jennifer Jaye Hardy	on behalf of Creditor Neil Heslin jhardy2@willkie.com mao@willkie.com
Jennifer Jaye Hardy	on behalf of Creditor Veronique De La Rosa jhardy2@willkie.com mao@willkie.com
John D Malone	on behalf of Creditor Security Bank of Texas myra@johnmalonepc.com myra@johnmalonepc.com
Marty L Brimmage	on behalf of Creditor Jennifer Hensel mbriimage@akingump.com lmonreal@akingump.com;bkemp@akingump.com;apraestholm@akingump.com
Marty L Brimmage	on behalf of Creditor Nicole Hockley mbriimage@akingump.com lmonreal@akingump.com;bkemp@akingump.com;apraestholm@akingump.com
Marty L Brimmage	on behalf of Creditor Carlos M Soto mbriimage@akingump.com lmonreal@akingump.com;bkemp@akingump.com;apraestholm@akingump.com
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Marty L Brimmage	on behalf of Creditor Mark Barden mbriimage@akingump.com lmonreal@akingump.com;bkemp@akingump.com;apraestholm@akingump.com
Marty L Brimmage	on behalf of Creditor William Sherlach mbriimage@akingump.com lmonreal@akingump.com;bkemp@akingump.com;apraestholm@akingump.com
Marty L Brimmage	on behalf of Creditor William Aldenberg mbriimage@akingump.com lmonreal@akingump.com;bkemp@akingump.com;apraestholm@akingump.com
Marty L Brimmage	on behalf of Creditor Jillian Soto-Marino mbriimage@akingump.com lmonreal@akingump.com;bkemp@akingump.com;apraestholm@akingump.com
Marty L Brimmage	on behalf of Creditor Francine Wheeler mbriimage@akingump.com lmonreal@akingump.com;bkemp@akingump.com;apraestholm@akingump.com
Marty L Brimmage	on behalf of Creditor Donna Soto mbriimage@akingump.com lmonreal@akingump.com;bkemp@akingump.com;apraestholm@akingump.com
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Marty L Brimmage	on behalf of Creditor Leonard Pozner mbriimage@akingump.com lmonreal@akingump.com;bkemp@akingump.com;apraestholm@akingump.com
Marty L Brimmage	on behalf of Creditor Jacqueline Barden mbriimage@akingump.com lmonreal@akingump.com;bkemp@akingump.com;apraestholm@akingump.com

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Marty L Brimmage	on behalf of Creditor Ian Hockley mbrimmage@akingump.com lmonreal@akingump.com;bkemp@akingump.com;apraestholm@akingump.com
Marty L Brimmage	on behalf of Creditor Committee Official Committee Of Unsecured Creditors mbrimmage@akingump.com lmonreal@akingump.com;bkemp@akingump.com;apraestholm@akingump.com
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Melissa A Haselden	on behalf of Interested Party Melissa A Haselden mhaselden@haseldenfarrow.com haseldenbankruptcytrustee@gmail.com;mhaselden@ecf.axosfs.com;haselden.melissaa.r104367@notify.bestcase.com
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Nicholas Lawson	on behalf of Creditor Leonard Pozner nick.lawson@mhllp.com patricia.flores@mhllp.com
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Ryan E Chapple	on behalf of Creditor Robert Parker rchapple@cstrial.com apretnice@cstrial.com
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Yoshie Valadez	on behalf of Creditor Bank of America N.A. mhtbkanhssselfilings@mccarthyholthus.com yvaladez@mccarthyholthus.com

TOTAL: 86